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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,020	10/28/2003	David G. Norton	P48862 1010.1	4267

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09/24/2008

EXAMINER

ALMATRAHI, FARIS S

ART UNIT

PAPER NUMBER

3627

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/695,020

**Applicant(s)**

NORTON ET AL.

**Examiner**

FARIS ALMATRAHI

**Art Unit**

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 4-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1 and 4-18 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/CDC)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status of the Application*

1. This action is in reply to applicant amendment filed June 23, 2008.
2. Claims 1, 4 and 17-18 have been amended.
3. Claims 2-3 and 19-20 have been cancelled.
4. Claims 1 and 4-18 are pending in this application.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1 and 4-18** are rejected under 35 U.S.C. 102(e) as being anticipated by Elston et al. (US Publication No. 2002/0143655 A1).
7. Regarding claims 1 and 17-18, Elston discloses a system and method for displaying order confirmation information in connection with an audibly placed order comprising:

- generating order information via a point-of-sale information service in a format native to the point-of-sale information service, wherein the order information is based on the audibly placed order (Abstract, Paragraph [0286]);
  - transforming order confirmation information generated by the point-of-sale information service into a browser readable format via a order confirmation information service, wherein the browser readable order confirmation information is comprised of order confirmation information that can be rendered by a browser (Paragraphs [0322] – [0331]);
  - transmitting the browser readable order confirmation information via a file server (Paragraph [0028], Paragraph [0322]);
  - requesting the order confirmation information from the file server via a browser and displaying the browser readable order confirmation information via the browser (Paragraph [0037], Paragraph [0322]).
8. Regarding Claim 4, Elston discloses a system wherein the point-of-sale order information service transmits the tagged order confirmation information to the order confirmation information service (Paragraph [0099], [0139]).
9. Regarding Claim 5, Elston discloses a system wherein the point-of-sale information service transmits the tagged order confirmation information to the order confirmation information service at a predetermined time (Paragraph [0127]).
10. Regarding Claim 6, Elston discloses a system wherein the predetermined time is after a new item ordered (Paragraph [0127]).

11. Regarding Claim 7, Elston discloses a system wherein the order confirmation information service further comprises a parser, wherein the parser transforms the tagged order confirmation information into a browser readable format (Paragraph [0322]).

12. Regarding Claim 8, Elston discloses a system wherein the browser readable format is HTML (Paragraph [0324]).

13. Regarding Claim 9, Elston discloses a system wherein the browser readable order confirmation information is transmitted to the file server (Paragraph [0028]).

14. Regarding Claim 10, Elston discloses a system wherein the browser readable order confirmation information is transmitted by the file server to the browser in response to a request from the browser (Paragraph [0028], Paragraphs [0322] – [0323]).

15. Regarding Claim 11, Elston discloses a system wherein the file server is a web server (Paragraph [0252]).

16. Regarding Claim 12, Elston discloses a system wherein the order confirmation information service is configured to select suggestive selling information (Paragraph [0672]).

17. Regarding Claim 13, Elston discloses a system wherein the suggestive selling information selected by the order confirmation information service is transmitted by the order confirmation information service to the file server (Paragraph [0672], Paragraphs [0037] - [0038]).

18. Regarding Claim 14, Elston discloses a system wherein the suggestive selling information is transmitted by the file server to the browser (Paragraph [0672], Paragraphs [0037] – [0038], Paragraphs [0322] – [0323]).
19. Regarding Claim 15, Elston discloses a system wherein the selected suggestive selling information is displayed by the browser (Paragraph [0672], Paragraph [0297]).
20. Regarding Claim 16, Elston discloses a system wherein the suggestive selling information selected by the order confirmation information service is based on a rules base and responsive to an item selected by the browser (Paragraph [0672], Paragraph [0297], Paragraph [0350]).

### ***Response to Arguments***

21. Applicant's arguments filed on June 23, 2008 have been fully considered but they are not persuasive
22. Regarding Applicants arguments that *Elston fails to teach or disclose transforming order confirmation information from a native format into a tagged data format*. Examiner takes into account broadest interpretation of the recited limitation in the instant application. Elston discloses in Paragraph [0323] transforming XML formatted transaction data into markup language format. The XML formatted transaction data reads on “a native format” and markup language format reads on “browser readable tagged data format”.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faris Almatrahi whose telephone number is (571)270-3326. The examiner can normally be reached on Monday to Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Faris Almatrahi  
Examiner  
Art Unit 3627

FA

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627